



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P (MD) No. 23522 of 2016

P. Pitchaiyammal

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Madurai.

3. The Tahsildar,
Madurai North Taluk,
Madurai Collectorate,
Madurai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue Hindu Kattu Nayakkan Community Certificate to the petitioner's daughter namely M. Mahalakshmi based on the applications submitted by the petitioner dated 29.03.2010, 17.02.2011 and the subsequent application dated 03.02.2016, within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr. D. Selvanayagam
for Mr. M. Veilkani Raju

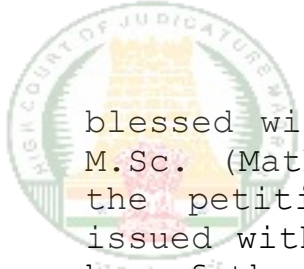
For Respondents : Mr. R. Velmurugan
Government Advocate

ORDER

(Judgment of this Court was delivered by M. SATHYANARAYANAN, J.)

By consent this writ petition is taken up for final disposal.

2. The petitioner claims that she belongs to Hindu Kattunayakkan Community and their community people used to predict the fortunes of others through palmistry. According to her, her husband is a self employed and therefore the necessity of community certificate did not arise and out of wedlock she is



blessed with a daughter, namely, M.Mahalakshmi, who has completed M.Sc. (Maths) and awaiting for a job. It is the specific case of the petitioner that her own brother's son M.Rajamanickam was issued with the Hindu Kattunayakkan Community Certificate, so also her father's brother's son, namely, L.Pitchai, who is also a retired Government employee and issued with Hindu Kattunayakkan Community Certificate and as such, there cannot be any doubt as to their community status. The petitioner for the purpose of getting community certificate to her daughter submitted an application to the second respondent on 29.03.2010 and he directed the third respondent to conduct enquiry and to submit a report. However, nothing is forthcoming. Therefore, once against she made an application on 17.02.2011 and on that application enquiry was ordered and she also appeared and submit all the documents. Once again that application was not considered. Hence, she made another application on 03.02.2012 to the second respondent, but the same is pending without any progress. The grievance of the petitioner is that inspite of three applications having been made by the petitioner and the positive recommendations made by the third respondent, the second respondent so far not issued any community certificate to her daughter and on account of the same she is not in a position to join any job and therefore, she came forward to file the present writ petition.

3.Heard the submission of the learned counsel for the petitioner and Mr.R.Velmurugan, learned Government Advocate, who accepts notice on behalf of the respondents.

4.Though the petitioner has come up with a larger prayer, this Court In the light of the above facts and circumstances, without going into merits of the claim made by the petitioner, directs the 2nd respondent to consider the application of the petitioner dated 18.02.2011 for issuance of Hindu Scheduled Tribe Community certificate to her daughter, and to dispose of the same on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of the reminder, after affording opportunity of personal hearing to the petitioner or her daughter and communicate the decision taken to the petitioner.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai Collectorate,
Madurai.

+1cc to Mr.M.Veilkanirajan Advocate Sr.No. 78596

+1cc to Spl.Government Pleader Sr.No. 79456

JAM/16.12.16/SKS-RR/3p-6c

W.P (MD) No.23522 of 2016
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